

Electoral Bonds | Supreme Court takes note of missing information in data submitted by State Bank of India

Constitutionality of the Electoral Bond Scheme

Judges: D.Y. Chandrachud CJI, Sanjiv Khanna J, B.R. Gavai J, J.B. Pardiwala J, Manoj Misra J

Gauri Kashyap | 15th Mar 2024

Today, a five-judge Bench led by Chief Justice D.Y. Chandrachud heard a Miscellaneous Application filed by the Election Commission of India (ECI) seeking the return of the sealed cover documents containing details of electoral bonds transactions. In April 2019, the ECI was directed to submit details of bonds purchased, and of the buyers and redeemers of such bonds.

Electoral Bond details are currently divided. Data from 2 January 2018 to 11 April 2019 is contained in sealed covers, which the ECI must disclose. Details from 12 April 2019 to 15 February 2024 (the date of the Constitution Bench Judgement) have been submitted by the State Bank of India (SBI) to the ECI, which [released](#) the information on its website.

The Court also took notice of the fact that the information submitted by the SBI to the ECI is missing a key link that can help match donors and donees.

Background



ECI: Only one copy of the data exists, and it's with the Supreme Court

Appearing for the ECI, Advocate Amit Sharma sought a "minor modification". The [Judgement](#) dated 15 February and the Order dated 11 March required the ECI to share the details contained in the sealed cover on their website, along with the data disclosed by SBI.

Sharma explained that the Supreme Court must have assumed that the ECI had a copy of the documents it submitted in sealed cover. In the interest of confidentiality that is typically required of a sealed cover document, Sharma said that the ECI had "submitted as it is" and had not retained a copy.

CJI Chandrachud stated that the contents of the sealed cover will be scanned and digitised and made available to the Election Commission. As he was dictating the order, he stopped to confirm with the Court Masters: "Ek din me ho jayega?" *Will it be complete in one day?* Assured, he directed the Registrar to ensure that the contents of the sealed cover are scanned and digitised by 5pm on 16 March 2024.

The originals, along with the scanned and digitised copies, will be shared with the ECI. The Court's Order stated that the ECI must make this data available on its website by 17 March 2024.



of India? In our judgement, we had directed disclosure specifically of all details of the bonds, including the purchaser, the amount and the date of purchase. They have not disclosed the bond numbers. That had to be disclosed by the State Bank of India.”

The CJI was referring to alphanumeric details embedded on the bonds which help in identifying the purchaser of the bond and connecting it to its specific beneficiary. “Your Lordships’ Order is quite clear on that,” Senior Advocate Kapil Sibal reminded.

Solicitor General Tushar Mehta explained that the [application](#) the SBI had filed—one seeking extension of the deadline for submission of details—had already been disposed of, and they were no longer a party in the matter. He suggested that notice be issued to SBI to bring them into the scope of the case.

CJI Chandrachud responded that SBI “should be here when the matter is going on.” He explained that SBI was “duty-bound” to follow the Court’s directions. Mehta threw up his hands and exclaimed “I’m not appearing for SBI!”

The CJI then directed that notice be issued to the SBI so that it can explain why it hasn’t disclosed the unique alphanumeric numbers of the bonds.

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